

REMARKS

This application has been reviewed in light of the Office Action mailed November 10, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 3 – 5, 8 – 14, 17 – 22 and 24 - 32 are pending in the application with Claims 21 and 27 being in independent form. By the present amendment, Claims 21 and 27 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicant thanks the Examiner for indicating that Claims 5 and 14 recite patentably distinct subject matter and thus would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 3, 21 – 29 and 32 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,400,267 issued to Denen et al.

As stated in the present Office Action, the electrical contacts within the connectors of Denen are interpreted as the energy releasing and energy receiving units, thus Denen relies on mechanical contact between the electrical contacts within the connectors for transmitting energy from the energy releasing unit to the energy receiving unit.

However, as shown in Applicant's FIG. 2, energy is transferred between the energy releasing unit and the energy receiving unit through, for example, electromagnetic induction, i.e., without mechanical contact between electrical contacts. Claims 21 and 27 have been amended to recite the limitation of a second connector that receives energy without mechanical contact.

Additionally, the Examiner asserts that Denen discloses an actuator, which, in the Examiner's view, is equivalent to Applicant's switch recited in Claim 27. However, Denen fails to teach or suggest the relationship between operation of the actuator 37 and data stored in non-volatile memory 30.

Applicant's amended Claim 27 recites: "... disable the generation of the energy in the drive device regardless the command for the generation of energy until the information exchange unit completes reading out the information..." Claim 21 recites similar language as well. Such limitation is not disclosed or suggested in Denen.

It is well-settled by the Courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

As demonstrated above, because Denen does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Therefore, for at least the reasons given above, Claims 21 and 27 are believed to be patentably distinct and allowable over the cited prior art references.

Additionally, as Claims 3, 22 – 26, 28 – 29 and 32 depend from independent Claims 21 and 27, these claims include all the limitations recited therein by those independent claims. Therefore, for at least the reasons given above, Claims 3, 22 – 26, 28 – 29 and 32 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 3, 21 -29 and 32 under 35 U.S.C. § 102(b).

Regarding the remaining claims, Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Denen et al. in view of U.S. Patent No. 4,038,625 issued to Tompkins et al.; Claims 8 - 11 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Denen et al. in view of U.S. Patent No. 6,068,627 issued to Orszulak et al.; and Claims 1, 12 – 14, 17 – 20 and 30 – 31 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over

Denen et al. in view of U.S. Publication No. 2002/0111621 issued to Wallace et al. and further in view of Orszulak et al.

Firstly, it should be noted that Claim 1 had been canceled and Claims 4, 8 – 11, 12 – 14 and 17 – 20 had been amended to depend from Claim 27, not Claim 1 as stated in the present Office Action.

Also, the present Office Action states that Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Therefore, the rejection under 35 U.S.C. § 103(a) with respect to Claim 14 would seem to be improper. Clarification is respectfully requested with regards to the proper status of Claim 14.

Addressing the above-cited § 103(a) rejections, Tompkins, Orszulak and Wallace fail to overcome the deficiencies in Denen as identified above with respect to Claims 21 and 27. Specifically, Denen, Tompkins, Orszulak and Wallace, taken alone or in any proper combination, fail to disclose or suggest Applicant's second connector that receives energy without mechanical contact, and disabling the generation of the energy in the drive device regardless the command for the generation of energy until the information exchange unit completes reading out the information, as recited the claims.

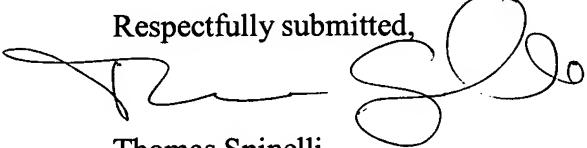
Therefore, for at least the reasons given above, Claims 4, 8 – 11, 12 – 14, 17 – 20 and 30 – 31 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejections with respect to Claims 4, 8 – 11, 12 – 14, 17 – 20 and 30 – 31 under 35 U.S.C. § 103(a) over Denen, Tompkins, Orszulak and Wallace.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 3 – 5, 8 – 14, 17 – 22 and 24 - 32 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,


Thomas Spinelli
Registration No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

TS:DAT:jam